IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14639 of 2004

Between:

B. Venkatesh S/o late B. Pentaiah
R/o 9-6-3/4/1, S.J.R. Nagar Colony Sagar Road,
Champapet, Hyderabad Permanent R/o Budwel Village,

Rajendernagar Mandal, Ranga Reddy District

..... PETITIONER

AND

1 Indian Oil Corporation Naspur House, Himayatnagar,

Hyderabad, rep. by General Manager.
2 Indian Oil Corporation, Secunderabad Area Office, Naspur

House, Himayatnagar, Hyderabad,
rep. by Senior Divisional Manager.
3 S. Ravikondal Reddy S/o S. Mohan Reddy, R/o 9-5-3, S.J.R.

Nagar, Colony, Champapet,
Saroornagar, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents 1 and 2 in selecting and granting letter of intent in favour of 3rd respondent for establishment of a retail petrol/Diesel outlet in Survey Nos. 1 to 7 of Thummalkunta Village, Saroornagar Mandal, Champapet, Ranga Reddy district as being arbitrary illegal and unconstitutional and consequently restrain the respondents from establishing a retail Petrol/Diesel outlet in Sy. Nos. 1 to 7 of Thummalkunta Village, Saroornagar Mandal, Champapet, Ranga Reddy District without issuing any notification/Advertisement calling for the applications from the eligible candidates for grant of retail outlet dealership in accordance with the guidelines issued by the Indian Oil Corporation in this regard.

Counsel for the Petitioner: MR.D.KRISHNA REDDY
Counsel for the Respondents 1 and 2: MR.P.V.SANJAY KUMAR
Counsel for the Respondent No.3: MR. M.V. DURGA PRASAD

The Court made the following :

ORAL ORDER:

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The petitioner is aggrieved by the processing by respondents 1 and 2 of the selection and granting of a letter of intent to the 3rd respondent for establishment of a Retail Petrol/Diesel Outlet in Sy.Nos.1 to 7 of Thummalakunta Village, Saroornagar Mandal, Champapet, Ranga Reddy District. According to the petitioner, pursuant to an advertisement issued by respondents 1 and 2 on 07-10-2002, calling for applications from owners/lease holders of lands in specified Revenue Districts, to submit offers to the respondents, in the matter of establishment of Petrol/Diesel Retail Outlets, the 3rd respondent submitted his offer. Without there being any further or other notification and contrary to the notification dated 07-10-2002, respondents 1 and 2 have allegedly issued a letter of intent to the 3rd respondent.

On behalf of respondents 1 and 2, a counter affidavit has been filed by the Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited. It is pleaded, that when the notification dated 07-10-2002 was issued, there was no policy of awarding Retail Outlet Dealership to land owners and that the 3rd respondent did not submit his application with regard to his land at Champapet in response to the notification dated 07-10-2002. In fact, there was no response as regards the Champapet, Ranga Reddy District location from any party pursuant to the notification dated 07-10-2002. The 3rd respondent directly submitted an offer on 21-06-2003 offering to lease his land to the Indian Oil Corporation Limited for the purpose of establishing its Retail Outlet, offering to manage the Retail Outlet.

As per the revised policy dated 28-12-2002, which enables direct offers to be accepted, the answering Corporation accepted the offer, evaluated the candidature of the 3rd respondent along with other direct offers received from land owners in Champapet area and identified the 3rd respondent's land as suitable, in the interview held on 04-02-2004. No letter of intent has yet been issued, but, the

process is on to issue the necessary authorization to enable the 3rd respondent to establish a Retail Outlet in his land. This respondent also states that the Indian Oil Corporation and its subsidiary the IBP, on 15-11-2004, issued a notification in the newspaper to the effect that subject to suitable land being made available, the Corporation would award dealerships to the land owners directly without advertisements, and that if the petitioner has suitable land and is willing to offer the same to the Corporation for the purpose of establishing its Retail Outlet and offers himself for appointment as a dealer, the Corporation would consider his candidature also, subject to evaluation of his offer along with any other offers made in this behalf on location specific basis.

The petitioner is satisfied if his application is considered by the respondents-Corporation de hors any grant of a letter of intent and other authorization to the 3rd respondent.

Learned Standing Counsel for respondents 1 and 2 reiterates what is stated in their counter affidavit that if the petitioner submits an application, willing to offer suitable land, the same would be considered by the Corporation. It is also stated by learned Counsel, Sri. Sanjay Kumar, that this consideration of the petitioner's offer would not in any way effect the processing of the 3rd respondent's case for establishing a Retail Outlet.

The counsel for the petitioner and the 3rd respondent are satisfied with the stand of the respondents 1 and 2. Survival of the fittest has given way to symbiotic relationship. In the circumstances, this Court finds no warrant to adjudicate upon the grievance of the petitioner.

The writ petition is accordingly disposed of in terms of the statement of respondents 1 and 2 setout in the counter affidavit as well as reiterated at the Bar by its Standing Counsel and as recorded above. No costs.

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22-12-2004

vs

To

1 The General Manager, Indian Oil Corporation Naspur House,

Himayatnagar, Hyderabad.
2 The Senior Divisional Manager, Indian Oil Corporation,

Secunderabad Area Office, Naspur

House, Himayatnagar, Hyderabad.
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